

EXHIBIT K

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG, INC.,

v.

2:10-cv-00265-TJW

FRONTIER COMMUNICATIONS CORP.,
et al.

GEOTAG, INC.,

v.

2:10-cv-00272-TJW

YELLOWPAGES.COM LLC

GEOTAG, INC.,

v.

2:10-cv-00569-TJW

GEORGIO ARMANI S.P.A., *et al.*

GEOTAG, INC.,

v.

2:10-cv-00570-TJW

AROMATIQUE, INC., *et al.*

GEOTAG, INC.,

v.

2:10-cv-00571-TJW-CE

GUCCI AMERICA, INC., *et al.*

GEOTAG, INC.,

v.

2:10-cv-00572-TJW

STARBUCKS CORP., *et al.*

EXHIBIT K

GEOTAG, INC.,	
v.	2:10-cv-00573-TJW-CE
RENT-A-CENTER, INC., <i>et al.</i>	
GEOTAG, INC.,	
v.	2:10-cv-00574-DF-CE
THE WESTERN UNION COMPANY, <i>et al.</i>	
GEOTAG, INC.,	
v.	2:10-cv-00575-TJW
ROYAL PURPLE, INC., <i>et al.</i>	
GEOTAG, INC.,	
v.	2:10-cv-00587-TJW
YAKIRA, L.L.C., <i>et al.</i>	
GEOTAG, INC.,	
v.	2:11-cv-00175-DF
WHERE 2 GET IT, INC., <i>et al.</i>	

JOINT MOTION FOR ENTRY OF DOCKET CONTROL ORDER

Plaintiff GeoTag, Inc. (“GeoTag”) and the undersigned Defendants (collectively, “Defendants”) in the above-captioned actions jointly move the Court for the entry of the following docket control orders to govern the above-captioned actions (the “GeoTag litigation”). The GeoTag litigation concerns a single patent—U.S. Patent No. 5,930,474 (“the ’474 Patent”). The ’474 Patent allegedly relates to geographical search technology made available through the

Internet and functionality such as online yellow pages and “store locator” technology found on many websites.

On February 16, 2011, Judge Ward held a scheduling conference in Case Nos. 2:10-cv-265 (“Frontier”) and 2:10-cv-272 (“Yellowpages”). In March 2011, Judge Ward entered separate docket control orders governing the schedule in those actions through trial. On August 9, 2011, Magistrate Judge Everingham held a scheduling conference in Case No. 2:10-cv-574. At that time, the Defendants in the ’574 Action requested coordination among the pending GeoTag litigation for (at least) the purpose of *Markman* proceedings, as such coordination would be in the best interest of the Parties and judicial efficiency. Plaintiff GeoTag agreed that coordination of claim construction and other proceedings common to all of the pending GeoTag litigation would serve these interests. In response, Magistrate Judge Everingham ordered the counsel for Defendants in the 574 Action to consult with Plaintiff’s counsel and counsel for Defendants in the other above-captioned actions in an effort to agree on such a coordinated schedule.

Accordingly, the counsel for the Parties have met and conferred and endeavored to agree as much as can reasonably be expected on pre-*Markman* hearing deadlines to govern the GeoTag litigation in advance of the coordinated October 16, 2012 *Markman* setting. To that end, the Parties respectfully request that the Court enter the Supplemental Docket Control Order attached as “Exhibit A” in the earliest filed actions: Case Nos. 2:10-cv-272 (“Yellowpages”) and 2:10-cv-265 (“Frontier”). In addition, the Parties respectfully request that the Court enter the Docket Control Order attached as “Exhibit B” to govern all agreed deadlines in the later filed actions: Case Nos. 2:10cv-569-575, 2:10-cv-587, and 2:11-cv-175 (collectively, “the Follow-On Actions”).

Although the Parties have generally agreed on a pre-*Markman* schedule to govern the above-captioned cases, the Parties have been unable to reach an agreement regarding on the following issues:

1. Post-*Markman* and trial deadlines and procedure (including trial settings);
2. whether the docket control orders already entered in the Yellowpages and Frontier Actions should still govern all post-*Markman* and trial deadlines or whether revised post-*Markman* and trial deadlines (coordinated with the Follow-On Actions) are necessary;
3. whether Plaintiff should limit the number of asserted claims to ten (10) before or after *Markman* proceedings;
4. whether Defendants should be limited to twenty (20) prior art references at some point during the pre-trial proceedings;
5. whether procedures requested by Plaintiff requiring a showing of good cause for reconsideration of terms previously construed by Magistrate Judge Everingham (*see Geomas (Int'l) Ltd. v. Idearc Media Services-West, Inc.*, Case No. 2:06-cv-475-CE, Dkt. No. 110 (Nov. 20, 2008)) are appropriate
6. the appropriate limitations on 30(b)(1) and 30(b)(6) depositions for the Follow-On Actions.¹

In light of these differences, the Parties respectfully request that the Court hold a case management conference to address the Parties' disputes.² The Parties request that each side be

¹ The Parties in the Follow-On Actions have reached an agreement regarding the appropriate limitations on Interrogatories, Requests for Admission, and Expert Depositions. Once the remaining dispute is resolved, these Parties agree to submit a Discovery Order to the Court for approval.

allowed to file separate briefs—no longer than ten (10) pages—to inform of the Court of their respective positions and that such briefs be filed with the Court fourteen (14) days in advance of the requested case management conference. A Proposed Order setting the case management conference and ordering such briefing is attached as “Exhibit C.”³

² Following the Court’s resolution of the dispute reflected in the Parties’ competing proposals, the Parties agree to once again meet-and-confer regarding post-*Markman* and trial deadlines and to submit a revised Docket Control Order to govern such deadlines.

³ In addition to the requested case management conference, the defendants who moved this Court to stay GeoTag’s Follow-On Actions under the customer suit exception pending the outcome of GeoTag’s cases against Microsoft, Google, and Where 2 Get It (*see e.g.* Case No. 2:10-cv-574, Dkt. No. 302) also respectfully request that the Court address the motion to stay during the case management conference. GeoTag believes that it is unnecessary to schedule a hearing on these fully-briefed and pending motions, but will obviously defer to the Court on this issue.

Dated: October 7, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 7, 2011, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG, INC.,

v.

2:10-cv-00265-TJW

FRONTIER COMMUNICATIONS CORP.,
et al.

GEOTAG, INC.,

v.

2:10-cv-00272-TJW

YELLOWPAGES.COM LLC

[PROPOSED] SUPPLEMENTAL DOCKET CONTROL ORDER THROUGH
MARKMAN

It is ORDERED that the following schedule of deadlines is in effect until further order of this Court:

STEP	ACTION	RULE	DATE DUE
All Prior Steps governed by the Court's Original Docket Control Orders			
6	Deadline to join other parties without leave of Court		Jan. 17, 2012 ¹
7	Deadline to file amended pleadings without leave of Court		Jan. 17, 2012

¹ Plaintiff additionally requests a deadline of Mar. 19, 2012 to serve infringement contentions and accompanying document production pursuant to Local Rule 3-1 and 3-2 for all additional infringer added before the deadline to amend pleadings and join additional parties.

STEP	ACTION	RULE	DATE DUE
8	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and Court		The parties request that they be allowed to brief the Court regarding their differing proposals in advance of the requested status conference
9	All parties make Exchange of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(a)	Apr. 13, 2012
10	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(b)	Apr. 20, 2012
11	[Plaintiffs' Proposed Step] All Parties to Submit Plan Regarding Preserving the Parties' Arguments for Appeal Without Resubmitting Previously Construed Terms for Construction or Show Good Cause Why Previously Construed Terms Must be Resubmitted for Construction		The parties request that they be allowed to brief the Court regarding their differing proposals in advance of the requested status conference
12	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2	May 18, 2012
13	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2(c)	Jun 1, 2012
14	All parties jointly file Joint Claim Construction and Prehearing Statement	Patent L.R. 4-3	Jun. 15 , 2012
17	Deadline for early voluntary mediation at the Parties' request		Jun. 29, 2012
18	Completion of Claim Construction Discovery	Patent L.R. 4-4	Jun. 29, 2012
19	Patentee files opening claim construction brief	Patent L.R. 4-5(a)	Jul. 9, 2012

STEP	ACTION	RULE	DATE DUE
20	Accused Infringer files responsive claim construction brief	Patent L.R. 4-5(b)	Aug. 10, 2012
21	Patentee files reply brief on claim construction	Patent L.R. 4-5(c)	Aug. 24, 2012
22	ONLY WITH LEAVE OF COURT Accused infringer files sur-reply brief on claim construction		Aug. 31, 2012
23	Parties file Joint Claim Construction Chart	Patent L.R. 4-5(d)	Sep. 14, 2012
24	Pre-hearing Conference and technical tutorial if necessary		To be determined by Court if needed.
25	Claim Construction Hearing	Patent L.R. 4-6	October 16, 2012 at 9:00 a.m.
26	Court's Claim Construction Ruling		TBD
<p>Plaintiff's request that the remaining steps be governed by a Docket Control Order to be coordinated with the remaining GeoTag actions.</p> <p>Defendants request that the remaining steps be governed by the Court's Original Docket Control Orders.</p> <p>The parties request that they be allowed to brief the Court regarding their differing proposals in advance of the requested status conference.</p>			

IT IS SO ORDERED.

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG, INC.,

v.

2:10-cv-00569

GEORGIO ARMANI S.P.A.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00570

AROMATIQUE, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00571

GUCCI AMERICA, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00572

STARBUCKS CORP.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00573

RENT-A-CENTER, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00574

THE WESTERN UNION COMPANY; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00575

ROYAL PURPLE, INC.; *et al.*,

GEOTAG, INC.,

v.

2:10-cv-00587

YAKIRA, L.L.C.; *et al.*,

GEOTAG, INC.,

v.

2:11-cv-00175

WHERE 2 GET IT, INC.; *et al.*,

[PROPOSED] DOCKET CONTROL ORDER THROUGH MARKMAN

It is ORDERED that the following schedule of deadlines is in effect until further order of this Court:

STEP	ACTION	RULE	DATE DUE
1	Initial Case Management Conference	Patent L.R. 2-1 FRCP 26(f)	Case No. 2:10-cv-574: Aug. 1, 2011
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions of a reasonable number of representative claims	Patent L.R. 3-1	Nov. 21, 2011
3	Patentee makes Document Production Accompanying Disclosure	Patent L.R. 3-2	Nov. 21, 2012
4	Initial Disclosures	FRCP 26(a)(1)	Jan. 17, 2012

STEP	ACTION	RULE	DATE DUE
5	Deadline to join other parties without leave of Court		Jan. 17, 2012 ¹
6	Deadline to file amended pleadings without leave of Court		Jan. 17, 2012
7	Accused Infringer serves Preliminary Invalidity Contentions	Patent L.R. 3-3	Feb. 10, 2012
8	Accused Infringer makes Document Production Accompanying Preliminary Invalidity Contentions	Patent L.R. 3-4	Feb. 10, 2012
9	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and Court		The parties request that they be allowed to brief the Court regarding their differing proposals in advance of the requested status conference
10	All parties make Exchange of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(a)	Apr. 13, 2012
11	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(b)	Apr. 20, 2012
12	[Plaintiff's Proposed Step] All Parties to Submit Plan Regarding Preserving the Parties' Arguments for Appeal Without Resubmitting Previously Construed Terms for Construction or Show Good Cause Why Previously Construed Terms Must be Resubmitted for Construction		The parties request that they be allowed to brief the Court regarding their differing proposals in advance of the requested status conference
13	All parties make Exchange of Preliminary Claim Constructors and Extrinsic Evidence	Patent L.R. 4-2	May 18, 2012

¹ Plaintiff additionally requests a deadline of Mar. 19, 2012 to serve infringement contentions and accompanying document production pursuant to Local Rule 3-1 and 3-2 for all additional infringers added before the deadline to amend pleadings and join additional parties.

STEP	ACTION	RULE	DATE DUE
14	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2(c)	Jun 1, 2012
15	All parties jointly file Joint Claim Construction and Prehearing Statement	Patent L.R. 4-3	Jun. 15 , 2012
16	Deadline for early voluntary mediation at the Parties' request		Jun. 29, 2012
17	Completion of Claim Construction Discovery	Patent L.R. 4-4	Jun. 29, 2012
18	Patentee files opening claim construction brief	Patent L.R. 4-5(a)	Jul. 9, 2012
19	Accused Infringer files responsive claim construction brief	Patent L.R. 4-5(b)	Aug. 10, 2012
20	Patentee files reply brief on claim construction	Patent L.R. 4-5(c)	Aug. 24, 2012
21	ONLY WITH LEAVE OF COURT Accused infringer files sur-reply brief on claim construction		Aug. 31, 2012
22	Parties file Joint Claim Construction Chart	Patent L.R. 4-5(d)	Sep. 14, 2012
23	Pre-hearing Conference and technical tutorial if necessary		To be determined by Court if needed.
24	Claim Construction Hearing	Patent L.R. 4-6	October 16, 2012 at 9:00 a.m.

STEP	ACTION	RULE	DATE DUE
25	Court's Claim Construction Ruling		TBD
	Final Pretrial Conference before Judge David Folsom		The parties request that they be allowed to brief the Court regarding their differing proposals in advance of the requested status conference
	Jury Selection		The parties request that they be allowed to brief the Court regarding their differing proposals in advance of the requested status conference

IT IS SO ORDERED.